

1882-031 Chancery Causes: Adm. of Joseph Parkey vs. James R. Fitts &c
Lee Co. Cavender & Robinson vs. James R. Fitts &c
James R. Fitts &c vs Adm. of Joseph Parkey

Orr, McNeil, Coleman, Wadsworth, Turner, Palmer, Potteet,
Wadsworth Turner & Co, Muncy, Ely, Gilbert, Sharp, Herald,
Lambert, Smith

1 Plat

CA-Debt
T-Property

-Deed

To the Honorable John A. Campbell
Judge of the Circuit Court of Lee County
Your orator James W. Orr, respectfully
represents, that he is administrator of ^{the estate of}
Joseph Parker, deceased, who in the year
1857, obtained a judgement against one
James R. Titts, of Lee County, in the County
Court of said County, for \$578.70
with legal interest, an \$487. part thereof
from the 9th day of August 1855; and interest
an \$31.70. The residue, thereof from 16th day
November 1855, till paid, ^{with interest of which or any part of the same he has not} and the costs (\$8.75) a
copy of which judgement is herewith filed
marked A. Upon this judgement, there
issued from the clerk's office of said County
an the 27th of March 1859 a fieri facias
returnable to the June rules, thereof, upon
This fieri facias, was the following return
made May 30th 1859, ~~the following~~
"No property found, only what is levied on
by order fi facis D. Patent D. S.", which fieri
facias is also filed marked B, as part of this
bill. The said James R. Titts was not at
that time possessed of any real property;—
in the year however of 1860, and since
the rendition of the judgement aforesaid, and
return of said executive, Cornelius Titts
departed this life intestate, leaving as ^{his} heirs
at law several children, of whom the
said James R. Titts, was one. And to whom
valuable real estate, descended, which has
been partitioned among those entitled, to the
said James R. Titts, was assigned but no
containing acres, more fully shown by

a reference, to the reports of the commissioners' report, making partition of said lands. A copy of which report is herewith filed marked "C". The said lands lie in the county of Lee, about 9 miles south of Jonesville. — At the time these lands thus descended to the said James R. Pitts, ^{he} was not only indebted to your orator's intestate as aforesaid, but he owed other and divers large sums, to different individuals. After the said James R. became so possessed as aforesaid of the said lands, and upon which, your orator's intestate, by reason of his judgment aforesaid had acquired a lien for the payment of his judgment; he the said James R. by deed, bearing date the day of 186, sold and conveyed all his right, title and interest, to said lands, including his right to his interest in the said Jeremiah's widow's dower, to his son Alvis P. Pitts, who was then a young man just arrived to manhood, your orator charges that this deed, a copy of which is herewith filed as part of this bill, marked D. was made to the said Alvis, with his full knowledge of his father's heavy indebtedness, and of the existence of the judgment of your orator's intestate's ~~claim and judgment~~ aforesaid. That the said Alvis, was, as before stated a young man, had always been a member of his father's family, with whom he still lives; that he had no visible means of paying for these lands; That the said James R. Pitts made this deed to his son

for the purpose, of hindering, delaying and defrauding your orator's intestate, or his heirs or representatives, from collecting the judgment aforesaid; That the said Alvis P. Pitts had full knowledge, of said judgment and other heavy indebtedness of his said father, and that he had not, nor could not nor did not (if anything at all) pay anything like a fair consideration for said lands; That at the time of making said deed, he knew it was for the purpose of hindering, defrauding and delaying the creditors of the said James R. — A part of this land, the late assigned to the said James R., by the aforesaid commissioners, has been sold to one Wm. A. McNeil, who having knowledge of said judgment, and feeling some doubts as to whether said deed from James R. to Alvis P. Pitts was bona fide, stipulated, both with the said James R. and Alvis P. ^{for the purchase of this lot.} who acting together, sold the said lands; but has not as yet as your orator is informed made any conveyance of the same. There is still as your orator is informed, a considerable sum of the money promised by said McNeil, for the land aforesaid, ~~yet~~ unpaid. The other interest, to wit, the interest the said James R. had in his mother's dower, (at her death) ^{former} although conveyed by the terms of the deed from James R. to Alvis P. Pitts, was sold as your orator is informed, by the said James R. to Coleman, and conveyed by deed bearing date day of 186, in which deed, James R. Pitts

and Mary his wife, and Alvis P. Pitts and the
Colemans aforesaid were the contracting
parties. For the purchase money of this interest
the Miss Colemans in part executed their
notes, which the said James R. applied to
his own use. The said Alvis, as before
stated is a single man, lives and always has
lived with his father; and he although,
nominally known ^{as} the trades and transactions
aforesaid, yet, the said James R. actually
conducts all business, and makes through his con-
tractors, in reference to his property. The
utter impossibility for the said Alvis P. to have
the means of purchasing these lands; his
always having resided with his father; his
being a young man barely 21 years old, his
father the said James R. always conducting
transacting, and directing all business relative
to this land; The subsequent debt by the said
James R. for the same lands; The said Alvis
knowledge of his fathers heavy indebtedness
are all corroborating circumstances, which
your orator is advised amounts almost
to a demonstration of the charges, against this
father and son, of a continual, collusive
intention to hinder delay & defraud the cred-
itors of the said James R. Pitts. And for which
the deeds of conveyance from James R. to Alvis P. Pitts,
fraudulent transactions, your orator is informed,
ought in law and equity, to be set a side
wholly void and corrected for naught. And the
said lands subjected to the lien aforesaid,
and payment of your orator's interstates judgement
aforesaid, and ^{to the payment of the debt of} all other just and proper cred-
itors of the said James R. Pitts.

Your avator further charges, that the said
Coleman, Coleman, was, in
of the ^{existence of the} judgement, of your avator
aforesaid, and of other large debts
the said James R. Fitts; That they
the fraudulent conveyance, of the
R. to the said Alvis T. Since they ^{permitted}
both James R. and Alvis to join in the deed of
conveyance to them, He more fully shew the
subtil, cunning, and fraudulent acts of the
said James R. and Alvis T. Your avator will
also file a copy of said deed to the Miss
Colemans. ~~in the~~ ^{as} part of
this bill marked "C"

Your avators prayer therefore
is that the said James R. Fitts, Alvis T.
Fitts, William A. McNeil, Emily E. Coleman
and S. A. Coleman, be made parties
defendants to this bill; and that they
answer, its statements and allegations an
oath, That the said James R. shew, when
and how he was paid by his son Alvis
for the bonds in the bill mentioned, and
whether or not, he gave him at any time
notice of the judgement due ~~from~~ ^{as} avator
as personal representative, of Joseph Parker
deceased; that the said Alvis shew in
what and how much he paid for the said
land, and whether he still owes for the same
and if so how much; whether or not he did
not know, at the time of this conveyance of
the judgement aforesaid, and other large
debts, due from his father to divers other
persons. That upon a hearing of the case

be rendered, declaring the
day of 186 from
James B. Pitts void, that it be
held void and counted for naught.
Judgment rendered in favor of
intestate, be declared a lien
on said lands, in the bill mentioned
and should the rents and
profits in five years fail to do the same
or so much thereof as may be necessary
be sold and the proceeds, after ^{the costs of} discharging
this suit be applied to the discharge
of the aforesaid judgment, and interest
thereon accrued. And should it appear
that the said Coleman and
Coleman had at or before the time of their
said purchase, any knowledge, that the
said James B. Pitts, in said sale had in
view the, hindering delaying or defrauding
of ^{his} Creditors Creditors, then that the
deed of conveyance of the land to them
before mentioned be also set aside
held void and counted for naught, and
the said lands or so much thereof as
may be necessary, be sold and the pro-
ceeds applied to the ^{discharge of the} judgment, rendered
in favor of your aforesaid intestate. And
grant all such other further, and general
relief, as your orator may in equity be
entitled to, on the justness of his case
demanded. May esp. issue. &c. And your
orator will in as in duty ever pray &c

Hazan V. Priemore
for complainant.

(S.) H. P.

James H. Am. Sheriff admt

vs B. Bill in Chy

Shris P. H. Wilson

Exhibits A. B. C. D. E.

1869. March Bill Filed & paid
and Decease nisi & Cont.

April - Decease Nisi & Cont.

April Term Same granted

A. T. Gas R. F. T. to file

and same filed

April. Decease & Continued

Sept. Contd.

1870. May Decease & Contd.

Oct. Contd.

1871. May Decease & Contd.

Oct. Contd.

1872. May Decease & Contd.

Oct. Contd.

1873. May Decease & Contd.

Oct. Contd.

1874. May Decease & Contd.

Oct. Contd.

1875. May Decease & Contd.

Oct. Contd.

Wife cost Late clk \$11.60
J.B. West 1.32

Defto - clk \$2.35
J.B. West 1.56

Late Clerk. 11.60
J.B. West. 1.32
Total. 1.47

A. 15.00
S. 2.50
T. 1.00
\$32.89
L. 1.44 to Jan'y 1877.
L. 4.15
L. 2.16 to Jan'y 1879
L. 2.16 " July 1881.

1879. Could this year
1880. Could this year
1881. Mr. Could
" Aug. "
1882. Mr. "
" Aug. "
" For accio fine

Virginia Lee circuit court taint
The crop Bill of James R Fitts ^{J R Fitts} against James
W Orr & Sons. The same James R Fitts and
A J Fitts By way of crop Bill in the cause
of James W Orr & Sons Filed in this honorable
court against them, represents, that James
R Fitts & Joseph Parkey were Brothers in law
and had driven as copartners a drove of
hogs to market & sold them, and then
note for \$~~500~~ on which the judgment
was rendered against James R Fitts
was given on account of the hog transaction
that they after the note was given had a
settlement of all matters between them
including the debt on which the judgment
was rendered afterwards rendered, if it
was rendered after the settlement & if it
was rendered before the settlement then
including the judgment, and upon
such settlement James R Fitts fully
paid said Joseph Parkey the whole he
owed him & especially the debt now
sought to be collected, and James
R Fitts took said Parkey's receipt for
it, and some time that was then
pending between them an order or writ
in direction was given to the attorney
to dismiss, your orators further char-
ge that, if this settlement took place
before the date at which the judgment
was rendered, then the said Parkey
fraudulently obtained the same
thereafter in some way unknown
to your orators, And if the settle-

not took place after the date when the
Judgment was rendered then in the
Settlement the Judgment was fully
paid, as before stated your orators
charges that he settled this identical
debt with Joseph Parker and paid
him fully it and all else he owed
him. Is it is if the Judgment was
rendered after the Settlement & pay-
ment aforesaid, then Joseph Parker
fraudulently obtained it, if the
same has been considered
before the Settlement & payment
then it was fully paid. For your
orators charge that this debt was
the principal matter settled in
that Settlement & was paid then
whether it had passed into a
Judgment or not at that time
and if it had not passed into
a Judgment at that time the
said Joseph Parker, by some
erring & fraudulent device
practised on James R. Hitts afterwards
obtained it, wherefore your
orators pray your honor to take
cognizance of their cause and in-
quire into the matter of facts and
grant them relief, they pray that
the Judgment be perpetually
inforced and the said James
R. Orr and all others be forever
injoined & restrained from
proceeding to collect the same

they pray for all such other course
further relief as may seem right
in a court of chancery, to that end
they make James W. Orr Administrator
of Joseph Parker decd. a defendant to
this suit & pray that he answer the
same, but not on oath as he has
no personal knowledge of the facts
they do not seek to or rely on his
answer to prove it, they pray for
process &c

Burns P. J.

Virginia Lee County Court

James R. Hitts and Abner J. Hitts makes
oath and states that the allegations
of the foregoing Writ Bill so far as
stated on their own knowledge
are true, and so far as stated
on the information of others they
believe them to be true, June the
4th 1870

James R. Hitts
Abner J. Hitts

James R. Hitts & Abner J. Hitts this day before
me in my office swore to the foregoing
affidavit by them subscribed.

John B. West, Clerk Lee Co.
Court.

Hay in Prisoner
for 4th

J. B. Heat, etc.

John W. Carr Johnson

Jan 14 1875
Wash Dc

Chd 50

v/s The Honorable John A Campbell Judge
of the Circuit Court of Lee County, Va.
Your orator Levenee R. Robinson, humbly
complaining sheweth unto your Honor that
on the 24th day of November 1860, your orator
obtained two judgments, against James R. Little
of said county, the amount of the larger of the
two judgments, is seventy-five dollars with legal
interest thereon, from the 1st day of March 1857;
his pain, and 6.51 legal costs thereon. The other
judgment, is for \$47.73 with legal interest from
the 2^d day of November 1859, his pain, and
\$6.51 costs, ^{parts of which has ever been paid to your orator} upon which judgments executions
issued, returnable to the February Rules 1861. These
executions went into the hands of the Sheriff
on the 27th of November 1860, and was returned to the
clerk's office with the following endorsement
"its properly found only what is claimed by him"
with the officers signature thereto, which said
executions are herewith filed marked "A" & "B" as
a part of this bill. Your orator would further
represent that after the return of said execution
the said Little came into the possession of
valuable real estate (situate in said county)
by reason of his father's death, and the
partition of the land of Cornelius Little (his father)
land among his heirs of ^{which} the said James R. is
one, the notes and bonds of which said land
your orator believes is properly set forth in
an extract of the Commissioner's report (who made
partition of said Cornelius' land) herewith filed
marked "C" as a part of this bill. Your orator
states that since the said James R. came to the
possession of the real estate as above stated
he has conveyed the same to his son Alvin.

which said conveyance your orator charges
and believes to be fraudulent, and without
and that your orator made for the purpose of hindering, delaying, and defrauding the
valuable consideration, the said James never
having paid anything for said land, and your
orator charges and believes that the said bill
made said conveyance to avoid the payment
of your orator's claim, and after said sale when
the said bill, then said and still now owes *

Your orator's prayer therefore is that
the said James R. Little, & said bill be made
parties defendants to this bill that they answer
its allegations fully and specifically in oath,
and that upon so doing, the said debt from
James R. to said bill, set aside and held for
nought so far as your orator's claim is
concerned, that your orator be let in to
the amount of his debt, and be paid for the
payment of his debt the sum of money
to about \$220.00 when the conditions of law will
admit of sale, and for all such ^{other} further and
general relief as may in equity seem right
my summons issued &c. &c.

Wm. H. Pritchard

* Your orator further charges that the existence
of the said judgment at the time of the
conveyance was known to the said James.

Lute Clerk \$1.14
 Dr Mc 1.97
 & 5.04
 2.76
 C. 1.80

General T. Robinson

vs Bill in Chy

of Little Rock

1868 April - Dec. 1868

July Continued
 Aug. Continued

Sept. Cause set for hearing

Sept. Continued

1869 April Cause & Debits
file and admitted

Sept. Continued

1870 Oct. Continued

1870 Nov. Continued

1871 Dec. Continued

1871 Jan. Continued

1871 Feb. Continued

1871 Mar. Continued

1871 Apr. Continued

1871 May Continued

Lute Clerk 4.34
 B. West 1.07
 Lute 1.27
 A. 15.00
 S. 1.00
 T. 1.00
 W. 1.00
 Court 1.75
 \$26.43

1877. Report this year

1878. Report this year

1879. Report " "

1880. Report " "

1881. Report " "

1882. Report " "

1883. Report " "

1884. Report " "

1885. Report " "

1886. Report " "

1887. Report " "

1888. Report " "

1889. Report " "

1890. Report " "

1891. Report " "

1892. Report " "

1893. Report " "

1894. Report " "

1895. Report " "

1896. Report " "

To the Honorable Judge of the Circuit Court
of Lee County

Pursuant to an order of this
Honorable Court in a chancery cause herein
pending wherein ~~James A. Robinson~~ ^{James A. Robinson} is plaintiff and James R. Fitts
and Abner S. Fitts are defendants.
^{he has amended his original bill and}
James A. Robinson states that he understands
that John E. Wadsworth David B. Sumner
and George S. Palmer late merchants
and partners in trade under the firm
and style of Wadsworth Sumner & Co.
has a judgment at law against the said
James R. Fitts which he obtained before the alienation
of the land by him to Abner S. Fitts mentioned
in the bill. Which judgment the said Wadsworth
Sumner & Co. allege is wholly due them no part
thereof having ever been paid. And they claim
that it should be satisfied out of the said
land. James A. Robinson therefore to this his
amended bill prays that the said John E.
Wadsworth David B. Sumner & George S. Palmer
merchants and partners in trade under the firm &
style of Wadsworth Sumner & Co. and James R. Fitts
and Abner S. Fitts be made defendants to this
amended bill and answer the same or with

Caundi - Robinson

v. { Amended - Bill

for R. Killops

Pa. 111

To the honorable Judge of the Circuit Court
of Lee

Your Petitioners John E. Wadsworth Lewis B
Lunn and George S Palmer late merchants and
partners in trade under the firm and style of
Wadsworth Lunn & Co represent that at the
term 186 of the County Court of said county they
obtained a Judgment against one James R Kiltz
for \$ with interest from the day of
18 and they allege that the said ^{has not} nor no
part thereof has as yet been paid to your
petitioners. They therefore claim that this
Judgment is a lien on the real estate
which was owned by the said Kiltz at
the date of said Judgment or which
is subsequently acquired. They now
state that the said Kiltz subsequently to the
 rendition of said Judgment became the owner
of a tract of land and this tract of land has
been aliened by him to his son Alvis S Lewis
but allege to have been without good consideration.
And to set aside this conveyance a suit has
been brought in this honorable Court by one
C. M. Robinson against the said James R &
A. S. Kiltz to set aside said conveyance and
subject the said land to the payment of a Judgment
obtained by the said Robinson against the said
Jas. R Kiltz antecedent to the alienation to
Alvis S. And as your petitioners claim
to have a lien for their Judgment they have
an interest in the subject matter of the
said suit and therefore pray that the said
petitioners be required to make their parties
dependent, and in duty &c
Wadsworth Lunn & Co

Wardlaw, 11th June 1844.

ad { Petition

C. & Robinson

For sale

To the Honorable Judge of the Circuit Court
of Lee County

The answer of John E. Wadsworth
David B. Lunn and George L. Poliner late
merchants and partners in trade under the
firm and style of Wadsworth Lunn & Co.
to an Amended and Original bill filed
by Leavender & Robinson against the
respondent and others. Respondents state that
at the June term 1858 of the county
Court of said County they obtained a judgment
against their co-defendant James A. Feltz
on which an execution was issued and
returned "no property" a copy of said judgm-
ent will be filed with this answer and
prayed to be considered herewith. Respondents
are advised that this judgment is a lien
on the land in the bill mentioned which
descended to their co-defendant, the judgment
debtor. And as the conveyance to Alvin
L. Feltz was fraudulent and without a
good consideration. They are advised that
a Court of equity will subject so much
of said land to sale as may be necessary to
satisfy your respondents claim - And
prays that relief be decreed accordingly

Wm. W. Ridgman

Madeworth Luna Ho

ado } Answer

C. P. Robinson

For bill

Virginia Supreme Court

To the Honorable Judge of the Lee circuit court
in chancery sitting. The answer of James R. Hitts
& A. I. Hitts to a bill in chancery filed in your
honorable court against them by C. R. Hitts
This responds to having to themselves the benefit
of all exceptions to the many points & charges
imperfected & misstatements of the bill. In
answer thereto, they answer & say, that it is
James R. Hitts by descent from his father
a small tract of land situated in this
county, he afterwards sold & by deed
conveyed it to A. I. Hitts who is his son.
A. I. Hitts is an unmarried man, residing
principally with J. R. Hitts his father.
It is also true James R. Hitts once owned
the pth the fragments mentioned in the bill.
But it is wholly untrue that he now
owns him that from on the 17th of August
A. 1868 James R. Hitts paid the pth \$170.28
on the two fragments in the bill named
& took his receipt therefor which is here
filed as a part of this answer marked (1)
Further answering they say that the respondents
were guilty of no contemplated fraud on the
pth in conveying the land to the said A. I. Hitts
the true & consequence was a bonafide sale
they deny that A. I. Hitts did not pay a fair
price for the land he purchased & paid
it as he has been allowed for
himself for years & the permission of his
legitimate before he was of age. He is now about 25 years of age
for as he has been paid for, as R. Hitts
would still rather owe a living father
\$500 for work to pay a debt which he

in 1869. On the 27th of April 1869, the
 court was held at the residence of
 the parties in the town of ... they are
 ready to submit to the offer of the
 paper but over balance he comes down
 & having fully answered they pay
 the balance and depart with their
 accounts to the ...

Sworn to in open court by Mrs T. Fitts April 27/69

H. Morgan D.C.

Sworn to by Jas R. Fitts in open court.

H. Morgan D.C.

Filed April 27th 1869

H. Morgan D.C.

file 75

To the honorable Judge of the Circuit Court of
Lee County

The defendant James W. Orr Shff. admin-
istrator of the estate of Joseph Parkey dec'd to a Cross bill
filed against him by James R. Felt & A. J. Felt
says that said bill is not sufficient in law.

But if further answer be required answering
he says that he has no personal knowledge of the
transactions referred to by the plaintiffs, but he is
satisfied from the information which he has gotten
in relation thereto that the plaintiffs are mistaken
or in error in regard to their matters. He says that
as may be seen in his bill his intestate Joseph Parkey
obtained at the March term 1854 of the Circuit
Court of this County against the ~~defendant~~ plaintiff
J. R. Felt the judgment therein recited. - This
judgment was founded in two notes one of which
bears date on the 8th day of August 1855 for four
hundred ^{seventy} ~~seventy~~ dollars to be paid one day after date
the other is for \$31 dated 15th Nov 1855 and
payable at its date. Suit was instituted on these
notes in 1858, but on irregularity occurring in
the proceedings the same had been removed to
circuit and the declaration filed at the December
term in this year ^{at which time} ~~when~~ the defendant appeared
and had a rule entered against Joseph's intestate
requiring security - for costs, he being a resident of
the State of Tennessee. At the March term follow-
ing one G. R. Fletcher executed bond as required
from the defendant. And at the same term
judgment was rendered in favor of the said
Parkey - Mr. Joseph T. Campbell was the counsel
in this case for respondent's intestate, and this

Respondent denies that he was ever directed by
said Parkey to dismiss said suit and no defense
was made thereat as appears from the record
more than requiring security for the costs,
so that your respondent denies that the said
judgment was fraudulently obtained but claims
that the judgment is justly due and ^{was} properly
obtained - Your respondent does not know
what the consideration of said notes was
founded upon but he does not admit that
it was the hog transaction referred to by the
plaintiffs in their cross bill. - Respondent is
informed that one John A. Sharp attorney at
law had at one time been employed to bring a
suit in Chancery for Parkey against J. R. Hilly
in regard to their partnership transactions
on a drove of hogs which were driven by them
in the winter of 1855-6 or 1856-7. - That a
settlement had been made as to this transaction
and said Sharp was instructed by Parkey
to dismiss said Chancery cause which he done
but the claims on which said judgment was founded
were entirely disconnected with the same, indeed
he understands that the suit in which the judg-
ment was obtained had been instituted some
time after the settlement ~~case~~ about said
hogs had been made. By this settlement your
respondent understands that the said J. R. Hilly
felt in Parkey's debt some amount which
had been settled in a horse buggy &c
but as before stated that transaction had
nothing to do with the subject of said
judgment, which was long afterwards obtained

Respondent not being personally cognizant with
said transactions, is not enabled to explain matters
so satisfactorily as his intestate could do, but he
is assured that a Court of equity will not on
doubt feel too heavily disturbed a judgment entered
in a Court of law during the lifetime of his
intestate to which the said J. R. Hilly had
been summoned to answer and failed then
to make any suit defense to the action
as is now sought by him. - He thinks
the present would be dangerous and judg-
ments would become a precarious security.
He prays that files with this answer the
papers in the judgment at law for the
purpose of inspection. He having now
fully answered prays that plaintiff's cross
bill be dismissed and the relief sought
by respondent in his bill be granted

Wm. A. Richmond

J W Penn Shifford

ack { Answer

J R & A I Little

1870 copy Filed.
J. B. Met

Virginia Lee County Trust

To the honorable John W Johnston Judge of
The Lee Circuit Court in chancery sitting
The undersigned answer of James R. Hitt
vs. John I. Hitt to a bill in chancery filed in
this honorable Court against their mother, the
Honorable Mrs. Mary of Lee Co.

These respondents knowing to themselves all manner
of exceptions for the many false charges, errors
& misrepresentations of the Complainer's Bill. But as
ever there is with the Complainer's things as alleged
in said Bill all set aside & sufficient in
law for the Complainer to maintain the same
upon this he is ready to verify wherefore he
prays Judgment of the Court whether he
shall further answer or not the same.

In a further answer to the bill of the Plaintiff
these respondents are answered, is material to be made
in they answer & say, it is true respondent James R.
received by deed a small tract of land in the state in
the County, he sold & conveyed it by deed to his
son & co-heir John I. Hitt. But it is not true
that the Complainer was ever to be seen & holding
the creation of James R. it is not true that
John I. Hitt paid nothing for it it is not true
that he ever was for a fair value for it.
It is not true that John I. Hitt was still a single
man ^{James} ~~married~~ 24 years of age. But it
is not true that he had not the means to
pay for the land he had been permitted to
work for himself for years for his own ad-
vancement in life's next James R. owed him
for work ^{for services} \$800 and as a means of ^{part} payment
conveyed him the land, it is not true that

James R. Pitts once Parker, at his death the next
refused to sign the bill on any part of it
neither once he once the pref as his guardian
could he and once once Parker, the debt was
in the bill, but before Parker died he
from the debt and paid the same to said
Parker, took his receipt showing such
payment. But the same was loaned
in respondents house when it was loaned, but
he can fully prove the same.
he denies that he owes one cent of the debt
therefore for which the pref seeks to sell the
lands, he denies compliance therewith
even on it in any way. James R. Pitts
further states on the day of the
filing his petition in the district court in
Bankruptcy to be declared a bankrupt
and was declared a bankrupt & will as
he believes soon get a final discharge
from his debts which is relied on as
a bar to the relief from having fully
answered they pray to be hence dismissed
with their costs

James R. Pitts

Sworn to in open court by Jas. R. Pitts April 27/67
H. J. Morgan, D.C.
Sworn to in open court by Jas. R. Pitts
H. J. Morgan, D.C.

The answer of the defendant is excepted to, wherein the debt
the debt to have been paid to plaintiff intestate.
-The creditor answering ^{whether} this judgment has been
satisfied or not. The judgment is against him
and it is conclusive of the debt. The plaintiff
therefore requires the debt & the bill to answer
whether he paid the judgment or not. if yes, let
him state him place and persons present, and
the amount paid, and whether in money or
property or if in part of each - how much
money. the property and its value.

25th July 1870

Hayden & Robinson

J. R. Hiltz &

& J. Hiltz

100 1/2

2

J. W. Carrington

Filed by leave of court
April Term 1867

H. Morgan, D.C.

Plaintiff except to this
Anseum -

Le L. Hamelin & Co

Plffs

vs

3 in chg.

James R. Fitts

Defendants

and

James W. Ovrsum

Plffs

vs

3 in chg

Alois J. Fitts et al.

Defts.

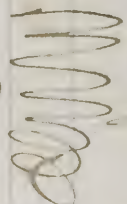
Then came on this 5th day
of December 1882, to be held upon
the papers formerly read and the report of
A. L. Pridmore Commissioner this day filed in
open Court and was argued by counsel,
and it appearing to the Court that the purchase
price of the land in said cases sold has been
fully paid to J. T. Duncan who is appointed a
Commissioner for the purpose is directed
to convey to Wm H. Merrill the purchaser the
whole tract of land ~~and~~ conveyed by the
Deft James R. Fitts to Alois J. Fitts. and
said Commissioner now reporting to the
Court that he has discharged the duty thus
assigned him which report is accompanied
by a bill and it is confirmed and said.

Counselor Robinson } In ch
 James R. Hills --- depts }
 James W. Orr, sheriff admo. --- depts }
 Against } In ch
 Elvis T. Hills et al --- depts }

These

Causes came on this day again to be
 heard ^{together} upon the papers formerly read
 in the cause, and ~~was~~ ^{was} the report of
 Special Commissioner A. L. Bridgman dated
 May 1st 1872, and was agreed by counsel, and
 it appearing to the Court, that since the last
 term of this Court Counselor Robinson has
 departed this life intestate, and letters of
 administration having been granted to
 Charles L. Humblin as ^{sheriff} admo. of said Counselor
 Robinson's estate, by his consent this
 cause is revived in his name; and it
 also appearing to the Court that said report has
 been filed more than ten days before the
 commencement of this term, and no excep-
 tions having been filed thereto the cause is con-
 firmed - On consideration whereof the Court
 doth order that A. L. Bridgman former Com-
 clo proceed, to ^{with same} collect ^{it falls due} the purchase money
 of the lands sold by him, and pay the same
 according to their ^{proportion} ~~as specified by~~ ^{as specified by} ~~their~~ ^{their} ~~merchandise~~ ^{merchandise} ~~part~~ ^{part}
 out to the Creditors of the said James R. Hills,
 taking proper receipts therefor; but before pro-
 ceeding to make any collection under this or-
 der, the said Bridgman Court shall enter into
 bond in the penalty of \$1500, conditioned to
 faithfully disburse any moneys that may come
 to his hands, among said Creditors, or as this
 Court may direct -

James W. on album ve-

no  Decree -

Miss F. Hills et al

May 5. 1872

Entered Order Book page
231.

James W. on. Clerk.

Order this decree -

J. A. K.

May 10/72

Aluis ^{against} T. Kitts et als

agurrol

Fifths et ols

The object sought to be effected by these suits being the same, and the plaintiffs in each suit seeking to enforce the payment of their judgments out of the same real estate, so that rights may not become entangled it is thought proper that both be heard together, and therefore these causes come on this day to be heard together on the bill of the plaintiffs exhibits filed. The cross bill of James R & Maria T Hitt, the answer of Jas W Orr thereto with general replication, the answer of the defendants in the suit of Leonard & Robinson with general replication thereto, the answer of depts Maria T & Jos R Hitt in the cause of J W Orr are sh^{ft} now against them with ^{general replication thereto} the ~~exceptions filed which exceptions being sustained this answer was set aside.~~ the depositions of witnesses and was argued by counsel. And it appearing that process has been duly executed on all the defendants in the bill filed by said Orr and ^{depts Jos R & Maria T Hitt and answering depts J W Orr and the other depts} ~~some of them~~ ^{some of them} fail to appear the bill as to them is taken for confessed. An ^{whereby} consideration the court is of opinion the plaintiffs in said cross bill have failed to prove that the judgments therein mentioned

was either fraudulently obtained or that the same
is debt upon which it was founded had even
been paid. ~~It is therefore ordered and adjudge that the same be~~
~~the same is therefore dismissed~~

And the Court being further of opinion
that the conveyances of the land in the bill mentioned
were made with intent to hinder delay and defraud
creditors and beside that the vendors had notice
of the judgment being sought to be enforced.

On consideration it is therefore adjudged ordered
and decreed that these conveyances be set aside
and annulled to the extent that may be
necessary to satisfy the judgments in the bills
mentioned - And it appearing to the Court that
the judgment of mentioned in the bill of plaintiff
obtained by his intestate on the day of March
1859 for the sum of \$518.70 with interest on
\$487 paid therefrom from the 9th day of August
1855 till paid and interest on \$31.70 the
residue from the 16th day of November 1855
till paid and \$8.95 costs - is wholly unpaid.
And that ^{obtained by the 22nd of June 1858} the judgment in favor of Watson &
Lumley for the sum of \$54.12 with interest
from the 1st day of November 1857 till paid -
is also entirely unpaid, And that the judgments
in favor of Leonard & Robinson for
~~the sum of~~ one of which is for the sum of
\$75.00 with interest from the 1st day of March
1857 till paid and \$6.51 costs, ~~the other~~ and
~~obtained on the 2nd day of November 1858~~
And the other for the sum of \$49.73 with
interest from the 2nd day of November 1859
and \$6.51 costs which were obtained on the 24th day
of November 1860

These judgments are subject to
a credit of \$107.28 paid 17th August 1868
And the Court being satisfied that the rents
and profits of ~~the~~ land in the bills mentioned
will ^{not} pay the amount due on these judgments
within five years. Wherefore it is adjudged
ordered and decreed that unless the defendant
Jas R Hills or some one for him pay to
the judgment creditors within 30 days
from this time the full amount due
them according to the opinion indicated
then Auburn L Pridmore who is
hereby appointed a Commissioner for
the purpose is directed after the expira-
tion of the said 30 days to sell the
lands in the bills mentioned or so
much thereof as may be necessary to
pay said judgments with all ^{or some} costs
of sale and this writ. He will
^{at the Court house on some Court day} be made on a credit of one, two and three
years the purchaser giving bond with good
security bearing interest from the day of sale
but so much as may be necessary for costs of
suit and expense of sale shall be required
to be paid in hand - the Commissioner will
give notice of the time place and terms
of the sale at least 30 days preceding one
of which notices shall be on the Court
house door and another in the neigh-
borhood where the land lies setting
forth the time place and terms of
sale. The said Commissioner is further
directed to make sale of said lands in

The income when in which the Dohs
were made by debt Jos N. Hitts
He will report his action to this court
and the cause is continued

Dec 22 1870

to N. Robinson

to

to

to

to

to

to

to

James R Orr Sheriff & Amos & Compt
vs

Alvis, T. Fitts et als

Defts

On motion of the defendants this
Cause is placed on the court docket for trial
and thereupon the defendants James R Fitts
& Fitts produced leave to, even asked
leave of the Court to file their Joint answer
herein which they are allowed to do, and there-
upon their answer was filed and the cause
is continued,

Las W Carr Sheriff &
Adm'r

vs Order

J. R. & A. J. Fells

Enter this decree
John W. Johnston
April 29. 1869

Entered for 108
H. J. Morgan v.c.

For Bill

Leander A Robinson plth
 against } In ch.
 Jas. A. Little et al defts

1
 Then the petition of Wadsworth Lunn
 &c. who claims to have an interest in the
 Subject matter of this Suit. it is ordered
 that the plaintiff Amend his bill
 making the said Wadsworth Lunn &c.
 defendants in this Suit. And by leave
 of the Court the plaintiff has amended
 his bill accordingly

Genl Robinson

no. { Order

James A. Fells et al

See back

James R. Fitts.

ado. } depositions

Joseph Parker's adms

Rec'd May 21st 1870 from
Saml. Fields, Court in chg. &
filed. J. B. West, Clk.

The deposition of William Munn, taken before
Samuel Field Commissioner in, Chancery to the Court
of Leg, by consent of parties in the Town of Sumner
on the 20th of May 1870 to be used as evidence in behalf
of James R. Fitts in a certain suit in Equity depending
in the Circuit Court of Leg wherein, the said Joseph R. Fitts
administrator of the said James R. Fitts defendant,
Plaintiff vs. J. L. Bidwell, Commissioner for Leg.

William Munn a witness being of lawful age, and
duly sworn according to law depose and say.

That the land, in controversy between the parties was
a long narrow strip about a mile long which was ^{situated} ~~xxxxxx~~
in a thicket, which portion as heretofore stated was the lot
now drained out of his father's land, and that the same
layed on the east end of the farm, and that the entry
did not bring it, was worth more than \$75000 and
it was high at that time in the year 1865, and I have
understanding that the above land was sold to John R. Fitts
I was one of the Commissioners appointed by the County
Court in November 1865 to lay off and assign to Sarah
Fitts widow of said Cornelius Fitts, died her dower interest
At the same time they said Fitts by agreement to
divide the land which was done by myself and the other
Commissioners The above estimate was made at the time
of the partition and that I know nothing about its
value at the time of the transfer from James R.
Fitts to John R. Fitts I estimate the reasonable interest
of the widow's dower about \$7500 in the year 1867

Further the deponent says the said

William Munn

Sworn to and subscribed before me this 20th May 1870

Samuel Field Commissioner

Wilmshurst
Cuthbertson
Schubert's Sepulture No. 79

W. H. Robinson

Plff

vs

James R. Fitts & others

Defts

In Chancery

The deposition of David Putts and Lewis Smith taken before the undersigned Com^r to be read as evidence in the case of the plaintiff in the above styled cause.

The said Putts being duly sworn deposes and says that I have known the defendant James R. Fitts ever since he was a small boy, perhaps for a period of forty years or more. I have also known the defendant Alvin T. Fitts all his life. About the year 1865^{or 1866} I was in conversation with said James R. Fitts, during which he mentioned that he was owing sundry debts, among which was one in Knoxville which he said he had once paid and did not intend to pay it again. He also mentioned several other debts which I do not remember, and I then thought that the debts he then mentioned would amount to not less than Two Thousand dollars. Some short time after he had made a conveyance of his land to his son Alvin, he remarked to me that he had not made that conveyance to avoid the payment of his just debts, but that he did so, in order to enable him to get a little time to pay his just debts, but that the Knoxville debt had been once paid, and never intended to pay it again.

There is a receipt filed among the papers of this cause for \$170.⁰⁰ and perhaps for some cents, whereas in fact it ought to be for \$107.⁰⁰ and perhaps some cents only. That sum was paid to said Robinson through me as agent of David Fitts for the said James and I therefore know that it ought to be said \$107 - and twenty odd cents instead of \$170.⁰⁰ + that the same was executed through mistake. I have also heard said James R. Fitts acknowledge that the receipt ought only to be for \$107.⁰⁰ or thereabouts.

At the time James R. Fitts made said conveyance to

his son Alvin T. Fitts. I think or would suppose that said
Alvin was some 21, 22, or 23 years of age, and had accompanied
with his father as one of his family, and up to that time I never
knew of his owning any property except a small horse worth
perhaps about \$150.00 at the time and perhaps some other small
articles of property. But he might have owned other property
but if he did I have no knowledge of it.

And further this witness with oath.

D. Petrie

Lewis Smith being duly sworn deposes and says

That my recollection now is that I heard James R.
Fitts say that the receipt given to him by C. F. Robinson
for one hundred and seventy dollars or thereabouts, in full of
his debt, was only one hundred and seven dollars or about
that sum. And the credit entered on the book or execution
was the said one hundred and seven dollars and further
this witness with oath.

Lewis Smith

The foregoing Depositions of David Petrie and Lewis Smith were
taken before me, sworn to and subscribed by them for
the purposes mentioned in the caption.

Henry J. Morgan Court

Cavender N. Robinson

as } Defto,

James R. Pitts & Co.

Received from the Comr
before whom taken and
filed May 10th 1871

James W. Orr. Atty.

Consolidated for \$100 per
H. J. Morgan

The deposition of James Litch, Litch Smith & Co. taken
before me, James H. Piddens, Commissioner in Chancery for the
County of Lee, by consent of parties, at my office in the town
of Leesville on the 7th day of May 1871, between the hours of 6 A.M.
and 6 P.M. to be read as evidence in behalf of Laurence B. Robinson
in a certain suit in Equity depending in the Circuit Court
of Lee, wherein, the said Laurence B. Robinson is Plaintiff and James
L. Litch and Miss S. Litch are defendants.

James S. L. Piddens, Counsel for Plaintiff
do for Defendant

James Litch being of lawful age and being duly sworn depose
and say -

Says that, that he heard the defendant, James Litch say
that the receipts filed in this cause for \$170.00 dollars ought to be
for \$107.28 and through a mistake Robinson executed the same
for \$170.00 - that witness settled the \$107.28 with Robinson for
the defendant and knows that the sum was \$107.28 and not
\$170.00 dollars. This witness knows the defendant, Miss S. Litch
since he was a child, that about the time that defendant James
R. Litch conveyed his land to Miss S. Litch the latter owned
no property but was married, having been to the witness that, then
Miss was a young man, and that he always lived with his father,
and that he had no means of making money except on the plantation
his father, that the land so conveyed and sold to Mr. H. M. Rice
by the said Robinson was considered worth \$100.00. that, the value
of said James Litch was in his North door and afterwards
sold to a man named and Arch. A. Coleman was sold for \$140.00
which witness considers it worth.

And further this deponent saith not

L. Litch

Commodore A. Robinson

very Respectfully

James R. Titts et al

Received from Samuel
Treed, Comr in Chg for the
County of Lee & filed this
7th day of May 1870.

John B. West, Clk
Circuit Court Lee Co.

The Deposition of Oliver T. Ely taken at
Mr. Hunters Store house ~~Knox County~~
Kentucky at the Flat Lick on the first
Monday in September 1870 pursuant to
a notice and Commission ~~herewith~~ an-
-neced and filed to be used as evidence
in behalf of James R. Fitts in a certain
Suit in Chancery, ^{now} pending in the Circuit
Court of Lee County Virginia ^{wherein}
James W. Orr, Administrator of ^{the estate of} Joseph
Parkey deceased is Plaintiff and said
James R. Fitts is Defendant.

Oliver T. Ely A witness of lawful age
after being duly sworn according to law
deposes and says
That

I am personally acquainted with
the parties in this suit. I was called on ^{by the parties} and did make the settlement between them
in relation to a drove of hogs which according to
my best recollection was in the year 1856
according to said settlement which I made
Jas R. Fitts fell in debt to said Parkey
the amount I do not recollect ^{but} what ever
said it was Fitts paid Parkey in a horse &
Buggy and in cash and my understanding was
that every thing was settled up for I distinctly
recollect of writing a receipt in full of the
above transaction from Parkey to Fitts and
further the deponent sayeth not
O T Ely

James R. Pitt

and { Deposition

James M. Orr, Attorney

Rec'd sealed & filed

Sept: 8th 1870

J. B. Mack, Clerk

Kentucky Knox County to wit:

I the undersigned a Justice of the Peace in and for Knox County Kentucky do hereby Certify That the within and above deposition of Oliver P. Ely was duly taken sworn to and subscribed before me at Mr. Hunters Store house in Knox County Kentucky at the Flat Lick on the first Monday in September 1870 the time and place and for the purposes mentioned in the Caption. Given under my hand and Seal this the 5 day of September 1870. Justice fees \$2.00 } Daniel Baker J. P. Seal

1
The deposition of David J. Gilbert & others taken pursuant to notice at the Clerk's Office of the Circuit Court of Lee County on the 20th day of September 1869, which is intended to be read as evidence, in a certain Chancery suit now pending in the Circuit Court of Lee County, in which James W. Orr, Administrator of Joseph Parkey deceased is plaintiff, and James R. Fitts & others are defendants to be read as evidence on part of the defendants.

The said David J. Gilbert being duly sworn deposes as follows,

In the year 1856 or 1857. I went to Joseph Parkey's, and in a conversation with Mr Parkey he Parkey told me that he had been driving hogs with James R. Fitts and had taken a horse & buggy of the said Fitts in payment of a balance due him Parkey from James R. Fitts, on the hog transaction.

Ques by Plffs counsel

Please state all that

Mr. Parkey said in that conversation regarding how things stood between him and said J. Fitts.

Answer. I do not remember of any other conversation between myself and Parkey at that time in regard to the Fitts transaction.

Ques by Same. What was the value of said horse & buggy. Ans The buggy was worth

2 \$500 dollars. but I have this day heard
J. R. Fitts the defendant say that he sold the
buggy to Joseph Parkey for \$125 and that he
Fitts paid \$112⁵⁰ for the horse and sold him to
Parkey for \$150;

And further this deponent saith not.

D. J. Gilbert

Lewis Smith another witness being
duly sworn deposes as follows:

In the year 1856 or 1857. I am quite certain
it was Court day James R. Fitts came to me
(then ~~deputy sheriff~~ ^{constable}) and gave me an attachment
against Joseph Parkey for the sum of \$25.
and requested me to serve it on Parkey, who
he said would be in town the next day. I took
the attachment and saw both Parkey & Fitts the
next day. and Fitts withdrew the attachment and
I understood that they were to settle the matter
amongst themselves, as Parkey claimed that Fitts
owed him some money on a hog transaction,
and I understood that the \$25 was to go towards
settling the hog transaction. And further the
deponent saith not. Lewis Smith
Virginia Lee County to wit.

The foregoing depositions of David J. Gilbert
and Lewis Smith were this day taken subscribed
and sworn to before me at the place mentioned
and for the purposes named in the Caption.
Given under my hand this 20th day of
September 1869. Andrew Milborne J. P.

James R. Fitts & al

vs 3 Defts

Geo W. Orr admr

Recd of the Justice by whom
taken & filed the 20th
Sept 1869
H J Morgan D.C.

Fee for deposition 17cts

See Bill

Adm^r of Jos^{ph} Parker
James R. Fitts } In Chancery

The deposition of John D. Sharp,
taken before Jas^{ph} R. Noell a Justice
of the peace in and for Lee County,
on the 15th day of August, A.D. 1870, pursuant
to agreement of the parties, to be
read as evidence on behalf of the Defendant,
in a certain suit now pending
in the Circuit Court of Lee County,
Virginia, wherein the Administrator
of Joseph Parker deceased is Plaintiff
and James R. Fitts is Defendant.

John D. Sharp, a witness of law-
full age being first duly sworn, de-
poses, and says.

That several years ago,
probably about the year 1855, he as Attor-
ney at Law, practising as such in the
Circuit and County Courts of this County,
brought as well as he remembers two suits
for Joseph Parker and against James R. Fitts,
a suit at Law and a suit in Chancery.
My recollection is that the Chancery suit
was for an account, and the subject in Con-
troversy, as well as I recollect was a drove
of hogs owned by them in partnership.
Said suits progressed for some time,
However, in, I think, about the year 1858, or
1859, I received a written order from

* On searching the Docket, I can find a record
only of the Chancery suit.

said Parkey to dismiss said suits, for the reason that the matters in controversy between them had been settled and adjusted. My recollection is that I gave the order to the then Clerk to dismiss the said suits. Why it was not done I cannot tell. I remember distinctly getting the order from Parkey to dismiss. The written order was brought to me by John Fitts, a brother of the Defendants. These were the only suits I ever brought in Lee Co. for Parkey against said Fitts.

Further this document says not
John D. Sharp

I, James R. Koell, a Justice of the Peace, in and for Lee County Virginia, certify that the foregoing deposition of John D. Sharp, was duly taken, sworn to and subscribed before me, on the day and at the place mentioned in the foregoing Caption. Given under my hand this 15th day of August A.D. 1870.

J. R. Koell J. P.

Additional Testimony of
John D. Sharp.

My impression
was and now is that I brought
suit ^{at law} on the note for \$4800 in
controversy where I brought the suit
in Chancery, but as I before said I
can find no record of it in the
Clerks office, and find that ~~said~~
suit was brought on said note
in 1858 by atty Johnston & Camp-
bell for Parkey. And if I did not
bring said suit of course I did
not dismiss it. The Chancery suit
brought by me for Parkey, was
instituted before the institution
of the suit at law by Johnston &
Campbell.

John D. Sharp

Los Parkeys Admrs
vs.

James R. Feltz

Deposition

Filed Augt 15th 1871

J. B. West, Clerk

The Deposition of Oliver P. Ely a witness
 on behalf of James B. Fitts in a certain suit
 in Chancery now depending in The Circuit
 Court of Lee County Virginia between James W.
 Orr Administrator of Joseph Parkey deceased
 plaintiff and James B. Fitts and others are
 defendants taken at the Circuit Court Clerk's office
 in Winchester ^{Josh} Lee County Kentucky on the 17th
 day of July 1867 before C. B. B. ^{Josh} ~~rettain~~ an
 Examiner in and for said ^{Josh} Lee County Ken-
 tucky pursuant to a notice and Commission
 hereto annexed which deposition is intended
 to be read as evidence in the said suit
 in Chancery now pending in The Circuit
 Court of Lee County Virginia in behalf of
 the said James B. Fitts and others wherein the
 said James W. Orr Admin. of Joseph Parkey dead
 is plaintiff and said James B. Fitts and others
 are defendants.

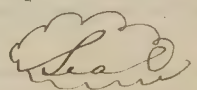
Oliver P. Ely a witness of lawful age
 After being duly sworn deposes and saith:
 That I was called upon to make a settlement between
 James Fitts & Joseph Parkey either in the winter
 of 1857 or 1858 in relation to a lot or acre of hops
 they had driven some time previous & in said settlement
 to the best of my recollection James Fitts owed said
 Parkey something near five hundred dollars & said
 Fitts paid said Parkey up in property & money that
 evening & I drew a receipt in full between them
 & Parkey assigned said receipt
 and further this deponent saith not
 O. P. Ely

Examiners fee \$1.00 }
 Witness attendance 1.00 } \$2.00
 Postage .00

Circuit Court Clerk's Office Gosh Bell County Kentucky

The foregoing deposition of Oliver P Ely was taken

Sworn to & Subscribed by him before me ^{the} undersigned
an examiner in & for Gosh Bell County Kentucky
at the Circuit Court Clerk's office in Pineville ~~in~~
said County on the 19th day of July 1869 pursuant
to a notice & Commission hereto annexed & which
deposition was taken for the purpose of being read
as evidence on behalf of James R Pitts & others
in a certain suit in Chancery now pending in the
Circuit Court of Lee County Virginia wherein
James W Orr admr of Joseph Parkey decd is
Plaintiff & James R Pitts & others are defendants
Given under my hand & Seal on this the 19th day of
July 1869

C B Brittain 

James R. Fitts

ad 3 Deposition

James W. Orr admr

Recd & Sealed in file
the 20th day of July 1869.
Humph. Morgan, Secy.

James W. Orr Adm
17 3 Depositions
James R. Fitts & others

Mr James W. Orr Administrator of Joseph
Parkey deceased please take notice that I
will at the Clerk's office in Jonesville Lee County
Virginia on the 1st day of July 1869 take de-
positions to be read as evidence on the trial of
the suit in Chancery in the said Circuit Court
wherein said deceased is complainant and I and
H. H. Fitts are defendants and if from
any cause I should fail to take all of said
depositions on that day I will adjourn
from day to day until all are taken Yours etc.
June 25th 1869 James W. Fitts.

June

I accept the Legal Service of the within Notice
June 26th 1869.

J W Orr, Admr of
Joseph Parkey Decd.,

The Deposition of David Patub. Andrew M. Fitts John Herald and others taken pursuant to notice at the clerk's office of the ~~county~~ court of Lee County on the first day of July 1869. to be read as evidence on behalf of James R. Fitts in a chancery suit now pending in the circuit court of Lee County in which James W. Orr, administrator of Joseph Parker deceased is plaintiff and said James R. Fitts and others are defendants,

The said David Patub being duly sworn deposes and says. That he recollects at one time of having in his hands an execution in favor of Joseph Parker against the defendant James R. Fitts for some four or five hundred dollars, some time in the year 1858 or 1859. at the time or about the time I had said Execution in my hands, I learned in the neighborhood of said Jas R Fitts, or rather heard that said Fitts and Joseph Parker had made a Settlement of their matters ^{something before} but I was not present at said Settlement if one was made, nor do I recollect of whom I heard that such Settlement was made: Cornelius Fitts father of the said James R, Told me that said James R. and Joseph Parker had made a Settlement some time in the year 1854 or 1855 and that said James R. had paid him up in a black horse which said James R. had previously got of one of ~~the Messrs~~ ^{Jasper Payne} a Buggy and perhaps some money. and further thus witness said not. D. Patub

The said Herald being duly sworn deposes and says. That some time in the year 1856. I went to the house of Cornelius Fitts, late one evening, on arriving there

Mrs Fitts said to me, you will have to put up your own horse, there no one about the house to do it for you, about this time old man Fitts said take a bit, I think John will be at home in a few minutes, I sent him over to Jo. Parkers, he and Jim are about to get to law with each other, and I am determined my children shall not law with each other, and I have sent for him Parker to come over and I intend for him and Jim to settle their difficulties, a short time only elapsed when John Fitts made his appearance, and on being interrogated about Parker said he had gone over to Jim's; I stayed at said Fitts all night, and some time before I left next morning, old Mrs Fitts looked out and remarked I see Jo and Jim have settled their business, for I see Jo coming with Jim's black Horse and Buggy, soon after Jo, Parker came up, and alighted and came into the house, and soon afterward Cornelius Fitts enquired of him if he and Jim had settled, to which he replied that they had, and he had taken the Black Horse and buggy in settlement, but remarked at the same time that Jim had made him pay too much for them, as I was about starting Cornelius Fitts said to Parker now you and Jim are sworn and have settled, I want you to stay so, for you can't get along together without difficulties and I am determined my children shall not law with each other, and my impression is that Parker remarked in response that from this time forward he and Jim would be two persons

On cross examination the witness states that

he knows nothing of the judgments mentioned and refers to in the plaintiffs bill, or of any judgments in favor of said Parker against said Fitts either before or after 1856. nor do I know of any settlements between said Parker and James R. Fitts. So far as my own knowledge goes.

I did not hear Parker say that he got any thing from said Fitts but the black Horse and Buggy, and I am of opinion that said Horse was at the time worth \$175.00 and the Buggy about \$125.00 as before stated witness best recollection is that this transaction was in the year 1856, but it may have been in 1857, and further this witness saith not. John H. Barrell

On cross examination of said Patut he states that his present recollection is that at the time he had the execution in his hands in favor of Parker against James R. Fitts he could not find property out of which to make the judgments except some property, which was said to belong to the ^{father} ~~the~~ of James R. Fitts and I think I made a return upon said execution embracing these facts. And further this witness saith not. D. Potter

John R. Fitts another witness of lawful age being duly sworn deposes and says

That the time he does not now remember but his best impression is that some time during the year 1856, or 1857, Joseph Parker and James R. Fitts made a settlement ^{in my presence} as he understood of all matters between them that upon this settlement James R. Fitts paid to said Parker a black Horse and Buggy and some money how much money he does not now recollect which

witness thought was a full and complete Settlement
of all matters of account or otherwise between them.
Witness went home with Parkey the same day of said
Settlement ~~or day afterwards~~ to aid him in taking
his property which he had got of James R. Fitts
and next morning said Parkey started me to Jerusalem
to see John D. Sharp with a note directing said Sharp
to dismiss a Suit which he had instituted against
James R. Fitts which note I delivered to said Sharp.

The Buggy was paid in said Settlement as well as I now
remember at the price of \$80⁰⁰ and the Horse at the price
of \$125.⁰⁰ or \$150.⁰⁰ I do not now remember which, and
some money was paid but I do not now remember
how much. Witness further states that if the debt upon
which the judgment in the bill mentioned was obtained
was given by James R. Fitts to Joseph Parkey for Hogs or
matters connected with their driving hogs together
there and in that event witness is satisfied that the
same was settled in the Settlement before referred to, If
said debt was contracted for other matters, witness has
no knowledge of it, nor do I have any knowledge of
any business transactions between them of that magnitude
either. I was with both parties frequently, and as I thought
was well acquainted with the business transaction of
both parties I heard of no Settlement subsequent to the
one referred to ^{either} ~~made~~ in 1858 or 1859. or at any other time.

I know nothing of the judgment mentioned in the bill
filed, nor did I know of the existence of such until a
year or two ago. And further this witness oath not.

John R. Fitts

Mayman Lambert another witness of lawful age being duly Sworn deposes and says.

That some time before the date was I cannot fix the date and time but after the time when it was said that James R. Fitts had let Joseph Parkey have a Horse and Buggy. I met with said Parkey at the house of Cornelius Fitts when a conversation took place between us and while we were talking, James R. Fitts passed near where we were. said Parkey remarked to me that James R. Fitts had or looked a little cross-eyed at him ever since he had seen him, said Parkey then proceeded to tell me that said James R. had paid him or let him have a horse and Buggy, and that he had paid him a high price for them, and he didnt think he ought to be mad at him, and said that he had not seen him to injure him but did it to bring him to a settlement.

I know nothing of the debt upon which the judgment mentioned in the plaintiffs bill was obtained, and further this witness saith not

Mayman ^{his} Lambert
mark

The foregoing Depositions were taken Sworn to and Subscribed by the witnesses therein mentioned at the time and place and for the purposes mentioned in the caption.

Henry Morgan Corro
July 1st 1868.

James R Fitts

ad. 3^d Deposition

Jas. W. Orr admr

Taken before me & filed

July 1st 1869

H. J. Morgan, D.C.

Fee for Depo. \$3⁰⁰

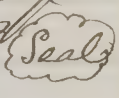
The Deposition of Oliver P. Ely Taken
before James B. Rufin a Justice of the
peace in and for Josh Bell County ^{Kentucky} at the
County Court Clerks office in Pineville
Josh Bell County Kentucky on the first
day of May 1871 pursuant to a notice
and Commission herewith filed which
deposition is intended to be read as
evidence in behalf of James R. Fitts and
Alvis T. Fitts in a certain suit in Chancery
now pending in the Circuit Court of
Lee County Virginia wherein James W. Orr
Admr. of Joseph Parkey decd. is Complainant
and the said James R. Fitts and Alvis T.
Fitts are defendants.

Oliver P. Ely a witness of lawful age
after being duly sworn deposes and
saith as follows that I was present and
made the settlement between said Fitts
and Parkey and Fitts bought Parkey
all that he owed him as I understood
it for he called on me to write a
receipt in full of all claims up to that
date which to my best recollection was in
the winter of 1856 or '7. said Fitts paid said
Parkey one horse and buggy valued at two
hundred and seventy five dollars and the
balance in money

O. P. Ely

State of Kentucky

Josh Bell County to wit:

The foregoing deposition of Oliver
P. Ely was duly taken sworn to and sub-
scribed to before me the undersigned a Justice
of the peace in and for Josh Bell County
Kentucky at the County Court Clerks in Pine-
ville Josh Bell County Kentucky on the first
day of May 1871 pursuant to a notice and
Commission herewith filed and for the purposes
mentioned in the Caption. Given under
my hand and Seal this the 1st day of
May 1871. James R. Fuson J.P. 

James R. & Alois L. Tills
vs
Deposition

James H. Orr Adm'r &c

Received from James R. Tills
Sealed & Filed May 5th 1871.
James H. Orr Adm'r

Virginia Lee County Court
James R & A S Hills vs
James R & A S Hills of Joseph M. Keyes & Piff

vs

James R & A S Hills

Defto

The defendant James R Hills states
that O P Hly is a material and important
witness for him & his co-defendant in the
above styled cause, and that since
witness does not reside in the state
of Virginia, he resides in Bell County
in the state of Kentucky June the 25th
1869

James R Hills

Sworn to before me in my office by
James R Hills the 25th of June 1869.

Jos. R. Little

ad. Zaffa

James W. Corcoran

I agree to send my self my notes
to pay the H. B. Bank

the wife

To the Honorable John A. Kirby Judge
of the Circuit Court of Lee County

The undersigned begs leave to re-
port that in the case of James W.
Or, sheriff admr. of the estate of Joseph
Parkey deceased vs. Alvis J. Fitts et al
pursuant to a decree to him directed
He proceeded on the 17th day of July 1871
that being Court day in front of the
Court House of Lee County, having pre-
viously advertised the same, to sell the
lands mentioned in said bill and in
the order therein named, Your Commissioner
had first to sell the defendants
James R. Fitts interest in his marshes
dweller, which had been by him sold
to the Miss Coleman's, the same was
knocked down to William Fitts (Colored)
who became the purchaser at the price
of \$220, that being the highest bid out of
which your Commissioner, deducted his
commissions \$11. which he required to be
paid down, as he did also the further
sum of \$27.48, Costs in the suit Governor
St. Robinson vs the defendants and which was
consolidated with this case, and then
took his bonds with A. M. Fitts security
therein in three equal annual installments
each being for \$ with interest from
the date thereof -

The security in these bonds your com^{rs} deemed entirely good -

Having previously ascertained the indebtedness of the said James R. Hills including costs &c, to be the sum of \$1310. 97. I deducted the aforesaid sales, of \$220. Therefrom, which left a balance of \$1090. 90. yet due from the said James R. Hills - Your Commissioner exposed at the same time and place, having advertised according to previous decree the land of James R. Hills sold by him and the said Oliver J. to Wm. McNeil stating to the bidders and bystanders, that if the whole tract brought a sum more than sufficient to pay said \$1090. 97. then that the purchaser would be laid off on the northern end of said tract so much at the rates the whole tract sold for as would pay the said sum of \$1090. 97. Wm. McNeil became the purchaser at the price of \$1575. and your com^{rs} then procured the services of C. Anderson an experienced surveyor to go upon the lands purchased as aforesaid and lay off to the purchaser the required amount, which he did and your Commissioner hereunto files his report and affidavit as further of record. He then required the said

William B. McNeil to pay your cums
the costs of suit \$32.87, and \$30.81, his com-
missions of sale, He then deducted that
sum from \$1090.99, and took the said
McNeil's bonds in three equal annual
installments, bearing interest from date
with William Jayne security therein which
your Com deemed perfectly good, they
were each for the sum of \$342.43, but
it will be observed that your Commissioner
took his commissions out of the said
cums, which was the exact amount of
incumbent's costs &c, so that under the
terms of the sale there will have to be
paid off to the said McNeil an additional
amount of land at the above rates to pay
an amount equal to the commissions
of your Commissioner since the sum for
the payment of debts will fall short
that sum. - This your Commissioner made
provision for in the terms of the sale
knowing there would be some additional
costs - Your Commissioner need hardly
state that he deemed the sales good ones
the owners under the fraudulent deeds
were compelled to pay a sufficient
amount to settle the debts or loose their
lands, The sales were indeed high and
more than any previous estimate by
these best acquainted

As before stated your Com retained out of the
lands sold to Wm Hills his costs & commission \$26.00
and paid fuel bills see Receipts from 1 to 4
inclusive with this report \$11.43

He then in second sales retained his
fees & costs - - - - - \$45.81

and paid costs of suit see Receipts from
1 to 4 inclusive and retained with last
paid by Com for plff - - - - - \$32.89

All of which is most respectfully
submitted

A. L. Proctor
Commissioner

May 15 1872.

A. L. Proctor Com

Commissioner
Report No 1

On account of Hills

May 1st 1872.

James H. Proctor

May 15 1872.

To the Hon. John A. Kelly Judge of
the Circuit Court, of Lee County:

The undersigned who was appointed
a special Commissioner in two pending
chancery Causes, "James W. Orr, adm., against
Alvis J. Hitt," and "Havenbergh S. Robinson, adm.,
against the Same and others: Begs leave to
report: that the debts, interest and most
of the cash have been paid to your
Commissioner and the parties entitled thereto.
Your Commissioner paid over such
sums as he received to the plffs and
parties to whom the same was going and
the debts are therefor settled and all the
costs except a small amount of clerks
costs for continuances - your comr, and
his late partner as attorney, represent
the plffs in each case, and consent for
them, to the striking of said Causes
from the docket, by defendant ^{J. W. Speck} ^{Alvis J. Hitt} ^{McNeil}
being decreed to pay these balances of
clerks costs. These facts were several
terms ago reported, but the report seems
to be lost all of which is respectfully
submitted.

Dec. 4th 1882

A. L. Ordmore
Comr.

James W. Orr adms

vs $\frac{3}{4}$ Report

Alvis J. Fitts et al
Cavender & Robinson

$\frac{3}{4}$ Report

Alvis J. Fitts et al

Filed Nov. 1882

J. A. G. H. H. H.

Clk

Surveyors Fee \$4.00



Field notes of the above diagram Beginning at a stake on the west bank of a branch, then N79E49 poles to a parcel of Cedars, then S12E45 poles to a stake and stone between two large white oaks, then S20E28 poles to a stake, then S24E72 poles to a hickory and dogwood, then S36E36 poles to a chestnut oak on top of Wallins ridge, then S69.50W70 poles crossing the tract of land to a small locust, then N20W27 poles to two black oak bushes, then N30W20 poles to a stake, then N13W127 poles to the beginning containing 59 1/4 acres. which said 59 1/4 acres is \$1090.99 worth of this price of land sold by comr. Pilemore to Wm. & MeNeil, formerly belonging to James R. Hills estimating the whole tract of 85 acres at the price of \$1575 - and the portion laid off to said MeNeil was off of the northern end of the said land.

C. Anderson

Comr. Lic. \$4.00.

Virginia Lee co to wit

This day ~~le.~~ Anderson personally appeared before me the undersigned com in Chancery and made oath that the foregoing statement plat and report are true to the best of his information & belief.

Sept. 12th 1871

P. C. Johnston, Commr.

to Anousars
Report
of
The Filtis-Lane

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU, that of the goods and chattels of

late in your bailiwick, you cause to be made \$*20.00* with legal interest thereon from the *1st* day of *March* 18*87*, till paid

which

lately in our Court of Lee County, have recovered against for debt

Also \$*6.00*

which to the said

same Court were adjudged for

costs in that

expended, whereof the said

convicted as appears to us of record. And that

you have the same before our Justices of our Court of our said County, at the Court House, on the *third* Monday in

February to render to the said

of the

and costs aforesaid. And have then there this writ. Witness,

HENRY J. MORGAN, Clerk of our said Court, at the Court House, this

day of

18*87*, in the

year of the Commonwealth.

in 1800

G. P. Loomis

to the Pa

Warren Hill

My Hail No 1

no property
found only
what is
claimed by
to Hill

I Potuit DG

17"

I Received this Hail
29th Nov 1800
I Potuit DG

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU, that of the goods and chattels of

late in your bailiwick, you cause to be made \$44.75 with legal interest thereon from the 27th day of
March 1867, till paid

which

late in our Court of Lee County, have recovered against him for debt

Also \$6.01

which to the said

same Court were adjudged for costs in that case expended, whereof the said

convicted as appears to us of record. And that you have the same before our Justices of our Court of our said County, at the Court House, on the 3rd Monday in

February 1867 to render to the said

of the

and costs aforesaid.

And have then there this writ. Witness,

HENRY J. MORGAN, Clerk of our said Court, at the Court House, this 25th day of

1866, in the 1st year of the Commonwealth.

H. J. Morgan

106 - 27

U. S. Notes and

in the

and the

the same

No property
found only
what is claimed
by the Fifth
D. Potter 25

15

I received this Fifth
29th Nov 1860

D. Potter 25

This deed made this 5th day of April 1881 by and
and between C. J. Duncan Commissioner of
the one part and W^m N. McNeil of the other part all
of the County of Lu and State of Virginia

~~That~~ That whereas by a decree rendered and
pronounced in the Chancery Court of St. Baylors Co
against ^{Alvis J. Fitts} ~~Alvis J. Fitts~~ & others the said C. J. Duncan are
appointed a Commissioner and directed the Cir-
cuit Court of Lu County Va to sell enough of the
lands conveyed by James R. Fitts to the said
Alvis J. Fitts, not before that time sold by Com-
missioner Priddyman, to pay and discharge
the Plaintiffs Judgment interest & costs & costs of
suit Commissioners of sale, &c. and whereas the
said Duncan Commissioners as aforesaid pur-
suant to the Terms of said Decree did on the 1st
day of the January Term 1878 of the County Court of Lu
County Virginia offer for sale enough of said lands
aforesaid to pay said Judgment & costs &c. as aforesaid
and which said Judgment with all the costs attend-
ing the same on said day amounted to the sum of
\$95.00 and the said W^m N. McNeil offering to pay
said sum for said land and there being no higher

or better said said land was knocked down to him
at that sum, and now in consideration of the premises
aforesaid as well as in consideration of the sum
of ninety five dollars. The receipt of which is hereby
acknowledged the said C. T. Duncan Commissioner
has this day sold granted and conveyed to the said
Wm. H. McNeil the contents of a special Warranty
the entire balance of the Tract of land situated in
said County of Lu. Conveyed by James R. Fells to
Aldis T. Fells. not heretofore sold by Commissioner
Pridemore and for a more particular description
of which reference is made to said deed and the
deed or deeds of Commissioner A. L. Pridemore to
said McNeil all of which are recorded in the
Clerks office of Lu County Va to have and to hold
said tract or parcel of land to him the said Wm.
H. McNeil and his heirs forever In witness whereof
the said C. T. Duncan has hereunto set his name
and ~~affixed~~ his seal this day and date above
written.

C. T. Duncan Commissioner (Seal)

Virginia. Lee County to wit:

L. Henry C. Joslyn a justice for the County

aforesaid, in the State of Virginia, do certify
that Charles T. Duncan, whose name is
signed to the writing hereto annexed bearing
date on the 5th day of April 1881. has

~~acknowledged the same before me in my~~
County aforesaid.

Given under my hand this 5th day of April 1881.

Henry C. Joslyn J. P.

Wm A McNeil
From 3/3 Duck
to W. Duncan corner

(G)

This Deed made this 9th day of February 1867. between
James R. Fitts of the County of Lee, and State of Virginia.
of the one part, and Alvin S. Fitts of the County and State aforesaid,
of the other part, Witnesseth that the said James R. Fitts.
in consideration of the sum of five hundred dollars, current
money of this Commonwealth, to him in hand paid by the said
Alvin S. Fitts, at or before the executing and delivery of the pre-
sents, the receipt whereof is hereby acknowledged, have barg-
ained and sold, and by these presents do bargain and sell
unto the said Alvin S. Fitts, his heirs and assigns, all my right,
title, claim and interest in the lands that James Fitts
did seized and possessed of, lying and being in the County of
aforesaid, together with the appurtenances, to have and to hold
the said claim in the said lands above mentioned, with all
and singular the appurtenances thereto belonging unto the
said Alvin S. Fitts his heirs and assigns forever. And the said
James R. Fitts for himself and his heirs, the said claim
to the said lands above mentioned, with all and singular
the appurtenances unto the said Alvin S. Fitts his heirs
and assigns, free from the claim of him, the said James
R. Fitts, and his heirs, and of all other persons whatsoever,
shall, will, and do warrant and forever defend, by these
presents, In witness whereof the said James R. Fitts hath
hereunto set his hand, and seal the day and year
first above written, James R. Fitts (Seal)

Lee County Court Clerk's office, Feb 11th 1867.

This day, personally appeared before me James R. Fitts
whose name is signed to the foregoing instrument of writing,
and acknowledged the same to be his act and deed, for the
purposes therein mentioned, and the said deed being duly

Alvin J. Little
Grown copy of Deed
James R. Little

(A)

(B)

24
Dec 3005

Handfast, is admitted to record,
John J. B. West 24th.
Joseph West - John J. B. West 24th.

Copy of so much of Commissioners' Report, which is assigned to the Heirs of Cornelius Fitts Dec'd, as shows the meter and bounds of the lot assigned to James R. Fitts: -

Lot No. 4 drawn by James R. Fitts beginning at a stake on the West bank of a branch, then $N 79^{\circ} E. 50$ poles to a Cedar sapling oak, then $S 13^{\circ} E. 53$ poles to a stake and rock between two white oaks Willoughby Run c/o corner, and with his line to Brook's line, and with the same $S 70^{\circ} N. 40$ poles to a stake, corner to lot No. 3, and with its lines to the beginning. See diagram.

A copy -

Leche-Henry J. Morgan l.c.

Gavender & Robinson

vs. 3/4 copy of notes & bounds
of lot assigned by Commrs
to James R. Fitts.

James R. Fitts et al.

Exhibit "C"

For cell

Pursuant to an order of the County Court of Lee County, bearing date the 20th day of November 1865, to assign dower interest in and to the lands Cornelius Fitts died seized and possessed of, the undersigned Commissioners, appointed for the above purpose, proceeded on the 26th of January 1866 to execute said order. We commenced the survey at the South end of the 100 pole line between Bishop and Fitts and run as follows, S 40° E 52 poles, and 17 links to an Elm and Cedar, then S 23½° E 38 poles to a stake in the road near a fence, then S 13½° E 50 poles to a stake, then S 4¾° E 26 poles to a stake, then S 84° W 38 poles and eight links to a Walnut marked as a corner, then S 38° W 133 poles to a Chestnut Gum, hickory and black oak on top of Wallins Ridge in the South boundary of said lands and with a line thereof N 45° W. 12 poles to a Chestnut oak, then N 18° W 33 poles to a corner on top of a high point of the ridge then N 26° E. 56 poles to four dogwoods on a Spur then S 87° W 40 poles to a stake in a hollow, then N 34° W 26 poles to a beech in said hollow, then various other Courses and distances round to the beginning containing 225 acres, and includes the dwelling house, kitchen, and all the other buildings to wit: the barn, Corn Crib and Stables, which is assigned to Sarah Fitts as her dower interest in said lands. See Diagram —

And at the request of the heirs of Cornelius Fitts deceased, we proceeded to portion and lay off the the remainder of the lands in lots, having regard to quality as well as quantity. Lot No. 1 drawn by Alois Coleman's Heirs, Beginning at a Walnut Corner to the dower and reversing the bearing of said lines N 84° E 38 poles and eight links to a stake, then N 4¾° W 26 poles to a stake then N 82½° E 40 poles to a stake and rock, then S 5° W 120 poles to a Chestnut and dogwood on a Spur Joseph P. Bishop's Corner and with his lines and various other

Courses and distances round to the beginning. See diagram — Lot No 2 drawn by Frances Coleman. Beginning at a stake among rocks in a line of the dower, running N 79° E passing a Spanish oak and mulberry corner to the longfield track at 42 poles, and another mulberry corner to lots No 5 & 6 at 70 poles or 5 poles further in all 75 poles to a stake, then S 12° E 196 poles to a stake, then S 65° W 81 poles (passing Bishop's corner at 5 poles) to a chestnut and dogwood on a spur, another corner to Bishop's land then N 5° E 120 poles with a line of lot No 1 to a stake (and rock, then S 82½° W 40 poles to a stake corner to the dower (and with the lines thereof to the beginning. See diagram)

Lot No 3 drawn by William Fitts Beginning at a stake 5 poles east of a Mulberry, corner to lot No 5 and running N 79° E 42 poles to a stake on the west bank of a branch, then S 13° E 127 poles to a stake, then S 50° E 20 poles to a stake & 2 black oak bushes, then S 20° E 108 poles to a stake in Brock's line and with the same S 70° W 63 poles to a corner (and two white oaks, Brock's corner, and with his line N 37° W 59 poles to a poplar and dogwood Joseph R. Bishop's corner then N 65° E 5 poles to a stake then N 12° W 196 poles to the beginning. See diagram)

Lot No 4 drawn by James R. Fitts beginning at a stake on the west bank of a branch then N 79° E 50 poles to a chin quapin oak then S 12° E 53 poles to a stake and rock between two white oaks Willoughby Muncy's corner and with his line to Brock's line and with the same S 70° W 40 poles to a stake, corner to lot No 3 and with its lines to the Beginning (See diagram)

Lot No 5 drawn by Martha Parkey beginning at the south end of the 100 pole line between Bishop and Fitts and with said line N 5° W 100 poles to a rock and pointers,

then N 66½° E 66 poles to a white oak and dogwood, then N 6° W 49 poles to a white oak on the north edge of the road at the corner of Spencer's field, and running with the road N 82° E 35 poles to a stake, then S 2° E 182 poles to a mulberry, then S 79° W 70 poles to a line of the dower, and with the same N 40° W 38 poles to the Beginning. See diagram.

Lot No 6 drawn by John R. Fitts beginning at a mulberry, then N 20° W 182 poles to a stake in the road corner to lot No 5 then N 83° E 30 poles, then N 85° E 50 poles to a stake 37 poles west of the corner two white oaks and black oak, then S 2° E 161 poles to a bunch of cedars, then S 79° W 84 poles to the beginning. See diagram *

Lot No 7 drawn by Andrew M. Fitts. Beginning at a stake 37 poles west of the corner, two white oaks and black oak, then N 85° E 37 poles to said corner, then N 31° E 72 poles to a small black oak and hickory in Jeff's field, then S 7° E 208 poles to a black oak and ash Willoughby Muncy's corner and with his line S 73° W 70 poles to a hickory, then N 13° W 8 poles to a chin quapin oak, then S 79° W 20 poles to a bunch of cedars, then N 2° W 161 poles to the Beginning (See diagram). We offer these notes and the annexed diagram as our report. All of which is respectfully submitted.

C. Anderson

Wm Muncy Jr. } Commrs.

James Jayne }

* At 14 poles west of the stake on the west bank of the branch I ran S 30° E 29 poles crossing the branch to a beech, then S 73° W 2 poles to a stake above the head of the Spring then N 30° W 29 poles to the line S 79° W these lines was run to include a spring for Lot No 6

A copy from the Record

Teste Henry J. Morgan, Clerk.

Cornelius Fitts Dec'd.
Copy of Plat + Report
of Commissioners appointed
to partition said lands, assign
Dower &c.

Exhibit (C)

Fee for copy \$5.70

This deed made this, 9th, day of February 1867 between James R. Fitts, of the County of Lee and State of Virginia, of the one part; and Alois S. Fitts, of the County and State aforesaid, of the other part Witnesseth, That the said James R. Fitts, in consideration of the sum of five hundred dollars, current money of this Commonwealth, to him in hand paid by the said Alois S. Fitts, at or before the executing and delivery of these presents (the receipt whereof is hereby acknowledged) have bargained and sold, and by these presents do bargain and sell unto the said Alois S. Fitts, his heirs and assigns, all my right, title, claim, and interest in the lands that Cornelius Fitts died seized (and possessed) of, lying and being in the County of Lee aforesaid, together with the appurtenances. To have, and to hold the said claim in the said lands above mentioned, with all and singular the appurtenances thereunto belonging unto the said Alois S. Fitts, his heirs and assigns forever. And the said James R. Fitts for himself (and his heirs, the said claim to the said lands above mentioned, with all and singular the appurtenances unto the said Alois S. Fitts, his heirs and assigns free from the claim of him, the said James R. Fitts, and his heirs, and of all other persons whatsoever, shall, will and do warrant and forever defend by these presents. In witness whereof, the said James R. Fitts hath hereunto set his hand and seal the day and year first above written.

James R. Fitts seal

Lee County Court, Clerk's Office, February 11th 1867.

This day personally appeared before me James R. Fitts, whose name is signed to the foregoing instrument of writing, and acknowledged the same to

to be his act and deed for the purposes therein mention-
ed; and the said deed, being duly stamped, is admitted
to records.

J. B. West W.C.

A copy -

Lease. Henry J. Morgan *ltd*

Alvis J. Titto

From 3 copies of deed

James R. Titto.

Exhibit (D.)

Fee for copy 40.

Ad 34

This deed made this, 10th, day of October 1868 between
Alois S. Fitts, and James R. Fitts and Mary Fitts, wife
of said James R. Fitts of the County of Lee and State
of Virginia of the one part, and Emaline E. Holmon and
Sarah A. Coleman of the County and State aforesaid of
the other part, Witnesseth, That the said Alois S. Fitts
and James R. Fitts and Mary Fitts, wife of said James
R. Fitts, in consideration of the sum of four hundred
dollars to them in hand paid by the said Emaline E.
Holmon and Sarah A. Coleman (the receipt whereof
is hereby acknowledged) have bargained and sold to
the said Emaline E. Holmon and Sarah A. Cole-
-mon, their heirs and assigns all their right,
title, claim, and interest in the land laid off
and assigned to Sarah Fitts, widow of Cornelius Fitts
deceased as her dower interest in the lands that
Cornelius Fitts died possessed of in Lee County, Vir-
-ginia, together with the appurtenances, To have
and to hold the said interest in the said dower
land above mentioned with all and singular the
appurtenances thereunto belonging unto the said Emaline
E. Holmon and Sarah A. Coleman, their heirs
and assigns forever. And the said Alois S.
Fitts and James R. Fitts and Mary Fitts, wife
of said James R. Fitts for themselves and their heirs
the said interest in the said land above men-
-tioned, with the appurtenances unto the said Ema-
line E. Holmon and Sarah A. Coleman their
heirs and assigns free from the claim of them
the said Alois S. Fitts and James R. Fitts and
Mary Fitts and their heirs and all other persons
whosoever, do warrant generally and forever
defend

defend. In witness whereof, the said Alois S. Fitts and James R. Fitts, and Mary Fitts, wife of said James R. Fitts have hereunto set their hands and seals, the day and year first above written. The said James only conveys such interest as he may have in the land hereby conveyed.

Alois S. Fitts *seal*

Mary E. Fitts *seal*

James R. Fitts *seal*

Lee County Court, Clerk's Office, the 13th day of October 1868.

This Indenture of bargain and sale for land between Alois S. Fitts & James R. Fitts, and Mary E. Fitts of the one part and Emaline E. Coleman and Sarah A. Coleman of the other part, being duly stamped, was this day acknowledged before me by the said Alois S. and James R. Fitts to be their act and deed. And Mary E. Fitts, wife of said James R. Fitts, being examined by me privately and apart from her said husband and having the deed aforesaid fully explained to her, she also acknowledged that she had willingly signed and executed the same and did not wish to retract it, and the said deed is admitted to records.

Henry J. Morgan C. C.
A copy -
Lester Henry J. Morgan C. C.

C. C. and E. A. Coleman

From 3 copies of deed

James R. Fitts & wife et al

Exhibit (C).

Fee for Copy 60

Recd. of Jas R. Hill, One hundred & seventy
Dollars and Twenty-eight Cents on Two Executions
against said Hill, August 17th 1868.
L. H. Johnson

C. M. Robinson

To Receipts

\$100.28

(C)

Virginia

At a Court of quarter Sessions continued and held for Lee
County, at the Court house thereof on Tuesday the 22 day of June 1888
William L Stubblefield for &c

Plaintiff

vs

James R Fitts

Defendant

} In Debt

The Defendant not appearing it is considered by the Court
that the judgment obtained against him in the Clerks office for \$5 41 12
the debt in the declaration mentioned, with legal interest thereon
from the 1st day of November 1887 till payment and the costs be
confirmed.

A copy

Teste James H Orr. Clerk.

Wm L. Stillwell
vs. Leroy S. [unclear]
James R. Wells

Received of C. F. Duncan cash in the
Chancery cause of H. Baylor & Bros vs
Abner S. Pitts et als \$11.57 my fee
in said cause up to & including
Nov term 1878. Jas W Orr, Clerk.

We agree & bind ourselves to pay C. I. Duncan
~~Commissary~~ Fifty one dollars
and 32 cents with interest from date
to be paid in three equal installments
of \$20.44 each due respectively in one two
and three years varying the benefit of our
homestead & exemption. Witness our
hands and seals this 3rd day of January
1878.

H. A. McVie & Co

J. H. McIntosh

The Commonwealth of Virginia:

or Examiner

To any Justice of the Peace, Notary Public, or Commissioner, appointed by the Governor of said State, resident in the State of *Kentucky* authorized to take depositions in the county of *Josh Bell* in the State of *Kentucky*

GREETING:— know ye, that we, trusting to your fidelity and provident circumspection, do require you, that at such time and places as you shall appoint, to call and cause to come before you *Oleiver P. Ely*

a witness on behalf of *James R. Fitts*

in a certain *Chancery Suit now* depending in the *circuit* Court of Lee County between *James M. Orr admr of Joseph Parker deceased* plaintiff and said *James R. Fitts* defendants
& others

and *him* diligently examine touching the same in solemn form, on oath or affirmation, and having received *his* examination as aforesaid, that you distinctly, plainly and without delay, certify and sign, and send the same enclosed into our said Court, together with this writ.

Witness, HENRY J. MORGAN, ^{Deputy} Clerk of our said Court, at the Court-house this 27th day of *June* 1869, in the 93rd. year of the Commonwealth.

Henry J. Morgan Clerk.

I do solemnly swear that

O P Ely

whose name *is* mentioned as witness in the commission *is a* non-resident of the State of Virginia. So help me God.

Sworn to before me this

19

day of

John Goodin
July 1869.

C B Brittain Examiner Clerk.

James R. Fitts

add. } Commission

James W. Orr. admr

18

The Commonwealth of Virginia:

To any Justice of the Peace, Notary Public, or Commissioner, appointed by the Governor of said State, resident in the State of *Kentucky* authorized to take depositions in the county of *Knov* in the State of *Kentucky*

GREETING:—

know ye, that we, trusting to *Mr Hunter's Store-house* your fidelity and provident circumspection, do require you, ~~that~~ at ~~such time and~~ *in Knov County aforesaid, at the flat-lick* places as you shall appoint, to call and cause to come before you *Oliver P. Ely*

_____ a witness on behalf of *James R. Fitts*

in a certain *Chancery suit* depending in the *Circuit* Court of Lee County between *James M. Orr* *Admr. of Joseph Parkey* plaintiff and *said Fitts* defendant

and *him* diligently examine touching the same in solemn form, on oath or affirmation, and having received *his* examination as aforesaid, that you distinctly, plainly and without delay, certify and sign, and send the same enclosed into our said Court, together with this writ.

Witness, *John B. West* ~~HENRY S. MORGAN~~, Clerk of our said Court, at the Court-house this *22^d* day of *August* 18*60*, in the *9th* year of the Commonwealth.

John B. West Clerk.

I do solemnly swear that *Oliver P. Ely*

whose name *is* mentioned as witness in the commission *above* non-resident of the State of Virginia. So help me God.

Sworn to before me this *22nd* day of *August* 18*60*.

James R. Fitts
John B. West, Clerk.

Lat. R. Hills

ad. 3 Commission

Lat. N. Orr, Adm. &c.

The Commonwealth of Virginia:

To any Justice of the Peace, Notary Public, or Commissioner, appointed by the Governor of said State, resident in the State of *Kentucky* authorized to take depositions in the county of *Josh Bell* in the State of *Kentucky*

GREETING:—

know ye, that we, trusting to your fidelity and provident circumspection, do require you, that at such time and places as you shall appoint, to call and cause to come before you *Oliver P. Ely*

witness on behalf of *James R. Fitts*
and *Alvin S. Fitts*

in a certain *Chancery suit*

depending in the *Circuit* Court of Lee County between *James H. Orr*
adm'r of the estate of Joseph Packard plaintiff and *said James*
R. Fitts and Alvin S. Fitts are defendants

and *herein* diligently examine touching the same in solemn form, on oath or affirmation, and having received *him* examination as aforesaid, that you distinctly, plainly and without delay, certify and sign, and send the same enclosed into our said Court, together with this writ.

Witness, *James H. Orr* ~~HENRY J. MORGAN~~, Clerk of our said Court, at the Court-house this
18th day of *April* 18*91*, in the *95th* year of the Commonwealth.

James H. Orr, Clerk.

I do solemnly swear that *Oliver P. Ely*

whose name *is* mentioned as witness in the commission *above*
non-resident of the State of Virginia. So help me God.

James H. Fitts
Sworn to before me this *18th* day of *April* 18*91*.

James H. Orr Clerk.

Jas H. & Alice T. Hill
ad. & Commission
Jane H. Orr, adm. to.

James R. Fitts Esq-

Sir You will please take notice
that on the stay of 1870 at the
Clerks office of the Circuit Court of Lee County
in the town of Jonesville in Lee County Va, I shall
proceed to take the depositions of David Patut and
others - which when taken are intended to be
used as evidence in my behalf, in a certain
suit in Chancery, now pending in the Circuit Court
of Lee County, wherein I am plaintiff ^{and an other} and you are
defendants and if from any cause, the taking
of the said depositions, be not commenced, or if
commenced be not concluded on that day the
taking of the same will be adjourned, and continued
from time to time, till the same be completed

April 5th 1870 }

Yours &c.

C. St. Robinson

118
168
61
87
1134

Le. A. Robinson

To. } Opatices -

James R. Fitts et al

James R. Fitts Esq -

Sir, you will please, take
notice, that on the day of ^{Aug} 1870
at the Clerks office of the Circuit, of Lee County in
the Town of Jonesville in Lee County, ^{you} shall pro-
ceed to take the depositions of David P. Diett and
others - which when taken are intended to be used
as evidence in my behalf, in a certain suit in
Chancery, now pending in the Circuit Court of
Lee County wherein I am Plaintiff and you are
an other side defendants. And if from any cause
the taking of the said depositions be not com-
menced or if commenced be not concluded on
that day, the taking of the same will be adjourned
and continued from time to time till the same be
Completed - Yours &c.

April 5th 1870

C. N. Robinson

L. A. Robinson

To } Notice

James R. Fitts et al

Copy -

Mr. James W. Orr Administrator of the
Estate of Joseph Parkey deceased:

You will please take notice that on the
first day of May 1871 at the County Court
Clerks office in Pineville Josh Bell County
Kentucky we will proceed to take the Dep-
osition of Oliver J. Ely which deposition
is intended to be read as evidence in our
behalf in a certain Suit in Chancery
now pending in the Circuit Court of
Lee County Virginia wherein You are
Complainant and ~~xxx xxx~~ ~~Complainant~~
~~xxx~~ ~~where~~ we are defendants. And if
from any Cause the Taking of Said
deposition be not Commenced or Con-
cluded on that day then the Taking
of the Same will be Continued from
day to day till Completed.

James B. Fitts,
Alvis J. Fitts.

I accept the legal service of the above notice April
18th 1871.

J W Orr Admin
of Joseph Parkey Deed

Mr. James W. Orr Administrator of the estate of
Joseph Parkey deceased.

You will please take notice that
on the first Monday in September 1878
at Mr. Hunter's Store house in Knoss
County Kentucky at the Flat Lick I
will proceed to take the deposition of
Oliver T. Ely to be used as evidence in
behalf of myself in a certain suit
in Chancery now pending in the Circuit
Court of Lee County Virginia wherein
You are plaintiff and I am Defendant
And if from any cause the taking
of said deposition be not completed
on that day then the taking of the
same will be adjourned from day to
day till completed. James R. Fitts.

I accept the legal service of the within notice

James W Orr
Jr. & L. Pindmore atty -

all in

Mr James W Orr Take Notice at the
circuit court clerk's office in Pineville Bull
County Kentucky, ^{on the 18th day of June 1869} I will take the depositions
of O P El., to be read as evidence in the
suit in chancery in the 2nd circuit court
wherein you as a defendant, ^{Joseph} ~~George~~ Parke
are plaintiff and I and ~~my~~ A J Hills are
defendants. Should I from any cause
fail to take said deposition on that
day, I will adjourn from day to day,
until they are taken, yours &c June
the 25th 1869

James R Hills

Copy this & send a copy to our

James H. Fells

ads. { notice

James H. Corradine

Executed by delivering
a true copy of within
notice to James H.
on this 21st day of
June 1869.

C. C. Ball Depy
for W. W. Sage S. L. C.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:
WE COMMAND YOU TO SUMMON *James R. Fitts and Alvis T. Fitts*

to appear before the Judge of our Circuit Court for Lee county, at the Court House,
in the Clerk's office, at Rules to be holden for the said Court, on the *first* Monday
in *May* next, to answer *a Bill in Chancery ex-*
-hibited in our said Court against them by Cavender
A. Robinson

And have then there this writ. Witness, HENRY J. MORGAN, Clerk of our said
Court, at the Court House, this *30th* day of *March* 1868, in
the *9th* year of the Commonwealth.

Henry J. Morgan Clerk.

(S)

Cavender N. Robinson

v.s. } Sp. in Chy.

James R. Fittset al.

May Rules 1868.

April 23rd 1868.

Accented by delivering
to Jas B. & Alvin T. Fills.

an attested office
copy of the within writ

Thos J. Brown D.S.,
for Jas. W. De. T. L. B.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *James R. Fitts, Abner T. Fitts, William A. McNeill, Sarah A. Coleman and Emeline E. Coleman*

to appear before the Judge of our Circuit Court for Lee county, at the Court House, in the Clerk's Office, at Rules to be holden for the said Court, on the *first* Monday in *March* next, to answer a Bill in Chancery exhibited in our said Court against *them* by *James W. Orr, Adm'r of the estate of Joseph Parkey deceased*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House, this *19th* day of *February* 186*9*, in the *9th* year of the Commonwealth.

Henry J. Morgan Clerk.

executed, on James R. Fitts, by delivering to Mary
 Fitts' wife of James R. Fitts, a copy of the within
 summons, and reading, and explaining the same to
 her. The said Mary, is a white person over 26 years
 of age, and a member of the said ^{who was not present at this court} James R. Fitts' family.
 Executed on Wm. M. Fitts, by delivering to his wife, his wife
 an attested office copy of the within (he not being found)
 and by reading and explaining the same to her, she being
 a white person over 26 years of age and a ^{member of} ~~member of~~ the said
 defendant's family. And on Alvin Fitts by delivering an
 attested office copy to him. And Executed on Sarah A.
 Holman & Evelyn E. Holman by delivering to each an attested
 office copy of the within.

Feb. 25th 1869.

Lewis Smith D. S.
 for James W. Orr & Co.

James W. Orr, administrator

vs. J. R. Fitts et al.

March Rules 1869.

See Bill

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING :

WE COMMAND YOU TO SUMMON

~~James R. Fitto, Alvis T. Fitto, William~~
~~N. Mc. Neil, Adeline Calman and Sarah Calman~~
~~Emeline Es.~~

to appear before the Judge of our Circuit Court for Lee county, at the Court House, in
the Clerk's Office, at Rules to be holden for the said Court, on the *first* Monday
in *March* next, to answer a Bill in Chancery exhibited in our said Court
against *them* by *James W. Orr admr of the estate of Joseph*
Parkay deceased

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said
Court, at the Court House, this *19th* day of *February* 1869, in
the *9th* year of the Commonwealth.

Henry J. Morgan Clerk.

(S)

James H. Orr, adm^r to
vs. } Spain & Co.

James R. Fittsetal.
March Rules 1869.

Adm^r to

The Commonwealth of Virginia

To the Sheriff of Lee County, Greeting

You are hereby commanded to summon Andrew M. Fitts
^{John R. Fitts} and Wayman Lambert to appear before me at Jonesville
on the first day of July next, to give evidence on behalf of
James R. Fitts at the Suit of James M. Orr, administrator
of Joseph Parker deceased now pending in the circuit court
of Lee County Given under my hand this 30th June 1869
Henry J. Morgan Comr

James R. Fitts

ads. 3/4

James W. Orr admsr

July 1st 1869